

FILED

January 31, 2019

**OFFICE OF
APPELLATE COURTS**

FILE NO. A18-1967

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against KARLOWBA R. ADAMS POWELL,
a Minnesota Attorney,
Registration No. 0327335.

**DIRECTOR'S RESPONSE TO
RESPONDENT'S MOTION FOR
CONTINUANCE**

TO THE HONORABLE RICHARD C. PERKINS:

The Director of the Office of Lawyers Professional Responsibility submits her response to the motion for continuance filed by respondent Karlowba R. Adams Powell in the above-captioned matter.

By Order dated January 9, 2019, the Minnesota Supreme Court ordered that the above-referenced matter be referred to the Honorable Richard C. Perkins "to hear and to make and file his findings of fact, conclusions, and recommendations for the disposition of said matter to this court on or before May 9, 2019."

Your Honor set a telephonic scheduling conference on January 18, 2019. Senior Assistant Director Binh Tuong, respondent's counsel, Bobby Joe Champion, and Your Honor met to discuss scheduling. In order to comply with the Court's order to submit findings of fact, conclusions of law and recommendations for the disposition of the above-referenced matter by May 9, 2019, Your Honor proposed that a trial be held early April 2019, a month before the return date.

Respondent's counsel, who is a state senator, objected, citing Minn. Stat. § 3.16, which provides, in relevant part, that:

No cause or proceeding, civil or criminal, in court or before a commission or an officer or referee of a court or commission or a motion or hearing on the cause or proceeding, in which a member or officer of, or an attorney employed by, the legislature is a party, attorney, or witness shall be tried or heard during a session of the legislature or while the member, officer, or attorney is attending a meeting of a legislative committee or commission when the legislature is not in session. The matter shall be continued until the legislature or the committee or commission meeting has adjourned.

The legislature must end on May 20, 2019.

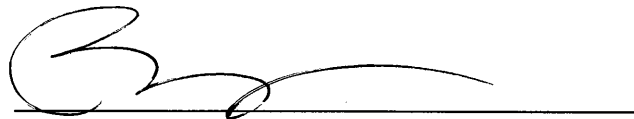
The matter at issue concerns serious misconduct, including the unauthorized practice of law and dishonest conduct, which respondent engaged in while on probation after being suspended by this Court. Due to the severity of the misconduct, the Director intends to request a minimum of 90 days' suspension and a Rule 18, RLPR, reinstatement proceeding.

The Director understands the need to continue the proceedings to comply with Minn. Stat. § 3.16. However, to protect the public, the Director feels strongly that this matter should not be delayed further than necessary. In lawyer discipline matters, the trial is generally scheduled a month before the return date ordered by this Court. To appropriately balance protection of the public with the demands of respondent's counsel's schedule, the Director requests that should Your Honor grant respondent's request for a continuance (or an extension of the return date), that Your Honor limit the delay and schedule a trial the week of May 20, 2019, or as soon after the legislative session has ended as possible. The Director supports whatever extension for a return date Your Honor requests from the Court to allow Your Honor to submit your findings of fact, conclusions of law and a recommendation for discipline after the scheduled trial.

WHEREFORE, the Director respectfully requests that should respondent's motion be granted, a trial be scheduled as soon as possible after the close of the legislative session on May 20, 2019.

Dated: January 31, 2019.

SUSAN M. HUMISTON
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A handwritten signature in black ink, appearing to read 'Binh T. Tuong', is written over a horizontal line.

BINH T. TUONG
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